



Congress of the United States
House of Representatives
Washington, DC 20515

May 16, 2022

Dear Secretary Buttigieg,

As the United States faces an unprecedented supply chain crisis, tens of thousands of commercial drivers are being disqualified from service due to past cannabis use. These disqualifications deny people the right to earn a living, reduce the workforce when drivers are desperately needed, and penalize people of color and patients who legally use medical cannabis. This crisis must be treated with urgency. Your department should rapidly reform requirements for testing drivers and returning them to service, as well as develop an accurate test for impairment.

Your department acknowledges that outdated cannabis tests forced tens of thousands of drivers out of service in the last two years.¹ The true impacts of this policy are likely greater, given that many people will self-select out of the profession knowing the drug testing requirements. While no one wants impaired drivers on the road, existing tests can't detect impairment – only past use. Onerous requirements for returning to duty after a positive test also mean most of these drivers never return to work. Of 119,000 drivers prohibited from driving over the past three years, more than half have not even attempted to return.² The Department of Transportation's current policies towards these drivers contributes to supply chain backlogs and delays in critical deliveries across the American economy.

To date, 48 states have enacted laws that, to varying degrees, relax their prohibitions against the use of marijuana. Nevertheless, your department's zero-tolerance policy sweeps up drivers who were unimpaired, drivers who have not used cannabis for weeks or even months, and drivers who have used federally-legal CBD oils. Blanket disqualifications are unjust, unfair, and cause widespread economic and social damage. Thousands of driving positions are unfilled, compounding our supply chain woes. Penalizing safe drivers who comply with state cannabis laws harms both the drivers and the supply chains they support.

This legacy of the discriminatory and failed war on drugs inflicts inequitable punishments. People of color are no more likely to use drugs than their white counterparts, but they are far likelier to face criminal or workplace punishments when they do use drugs. Paired with stringent drug testing requirements and inaccurate tests, this means countless truckers of color are denied

¹ Federal Motor Carrier Safety Administration, Drug and Alcohol Clearinghouse: March 2022 Monthly Summary Report (March 2022). U.S. Department of Transportation.

<https://clearinghouse.fmcsa.dot.gov/Resource/Index/monthly-report-Mar2022>

² Ibid.

the right to earn a living because of past punishments for drug use, and face significant barriers to returning to service after a punishment. Additionally, failing to account for state-legal medical marijuana prescriptions in sweeping prohibitions discriminates against patients despite compliance with their doctor's recommendations and their state laws.

As the United States continues to confront the supply chain crisis, your department should lead the effort to research more reliable cannabis test options and develop new tools that avoid sweeping up innocent drivers while also keeping our roads safe from those who are truly impaired. This would be a valuable opportunity to support legislation like my Medical Marijuana Research Act (H.R. 5657), which passed the House of Representatives on April 4. If there are other legislative or technical barriers to this research and development, please share those with me.

The federal government should be making it easier for already-qualified drivers to stay in the profession, not forcing them away. Outmoded and unfair federal drug policies are out of step with reality and directly contribute to the trucking shortage crisis. Too many of the 2.8 million Americans who hold commercial driver licenses are not working because of past cannabis tests and the difficulty they face re-qualifying for duty. Getting these trained, qualified, and capable drivers back on the road will unsnarl supply chains faster and more efficiently. I am very interested in the steps your department is taking to ensure these qualified drivers have opportunities to return to work, regardless of their past cannabis use.

Modernizing your department's regulation of cannabis use is critical to ensure those who want to drive can contribute to this effort. I look forward to your partnership in this effort.

Sincerely,



Earl Blumenauer
Member of Congress